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**CITY OF MILPITAS, CALIFORNIA**

**REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE)**  
**PROGRAM**

**FOR LOCAL AGENCIES FOR 2005-06**

**September 19, 2005**

This Program is in accordance with Title 49 of the Code of Federal Regulations, Part 26,

I. Overall Goals (\$26.45)

**City of Milpitas  
Overall Annual DBE Goal and Methodology**

A. DOT-Assisted Contracting Program for Fiscal Year 2005-06

**Contract Goal Calculations**

NAICS 2002 (UCP)	NAICS 1997(CBP)	License Type	Description	Federal funds	Total contract	% Total contract	Total DBE/Total Firms (UCP)/ (CBP)	DBE Ratio	Contract Goal
237310	234110	A	Hwy & Street	\$689,384.38	\$1,662,898.00	0.978	23/136	0.169	16.54%
238210	235310	C-10	Electrical	\$15,507.62	\$38,000.00	0.022	31/1197	0.026	0.06%
				\$704,892.00	\$1,700,898.30				16.60%

See Attachment A-1 & A-2 for more details

The City's recent experience shows DBEs with 237 and 238 NAICS Code have been used.

B. Goal Methodology

Step 1: Determining a Base Figure:

The City of Milpitas' Overall Annual DBE Goal for Fiscal Year 2005-06 is set in accordance with 49 CFR Part 26.45 criteria.

The City of Milpitas historically has used contractors from work category NAICS codes 237 and 238 for its program requirements.

Step 2: Adjusting the Base Figure

There is record of previous participation but this was not used for adjustment. The project achieved only 3.33% versus stated goal of 19%.

Therefore no adjustment was made to the base figure. The overall goal is the same as the contract goal

Finalized Breakout of Estimated Race-Neutral and Race-Conscious Participation

Based on the data shown, the proposed Overall Annual Goal for the City of Milpitas is as follows:

Race-Neutral Method	Race-Conscious Method	Annual DBE Goal
0%	16.60%	16.60%

The City of Milpitas will monitor its progress during the course of the year to ensure compliance with DBE program requirements.

C. Process

Starting with the Federal Fiscal Year 2005, the amount of overall goal, the method to calculate the goal, and the breakout of estimated race-neutral and race-conscious participation will be required annually by June 1 in advance of the Federal fiscal year beginning October 1 for FHWA-assisted contracts. Submittals will be to the Caltrans' DLAE. An exception to this will be if FTA or FAA recipients are required by FTA or FAA to submit the annual information to them or a designee by another date. FHWA recipients will follow this process:

Once the DLAE has responded with preliminary comments and the comments have been incorporated into the draft overall goal information, the City of Milpitas will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City of Milpitas City Hall for thirty (30) days following the date of the notice, and informing the public that comments will be accepted on the goals for forty-five (45) days following the date of the notice. Advertisements in newspapers, minority focus media, trade publications and websites will be the normal media to accomplish this effort. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The overall goal resubmission to the Caltrans DLAE, will include a summary of information and comments received during this public participation process and City of Milpitas' responses. This will be due by September 1 to the Caltrans DLAE. The DLAE will have a month to make a final review so the City of Milpitas may begin using the overall goal on October 1 of each year.

This Disadvantaged Business Enterprises Methodology & Goal is accepted by:

\_\_\_\_\_  
[Signature of DLAE]

Date: \_\_\_\_\_

# Attachment A-1

## City of Milpitas Engineering Department DBE-Base Percentage Project for FY 2005/06

### Project 4225 South Park Victoria DBE (Engineer's Cost Estimate)

Item	Quantity	Unit	Description	2002 NAICS CODE	1997 NAICS CODE	1987 SIC	Unit Price	Extension	DBE Item Goal (%)	DBE Amount
1	1	LS	Construction Survey				\$10,000.00	\$10,000.00	16.54	\$1,654.00
2	1	LS	Construction Area Signs	237310	234110	1611	\$20,000.00	\$20,000.00	16.54	\$3,308.00
3	1	LS	Mobilization				\$150,000.00	\$150,000.00	16.54	\$24,810.00
4	1	LS	Traffic Control				\$35,000.00	\$35,000.00	16.54	\$5,789.00
5	6,800	LF	Remove White Painted Traffic Stripe	237310	235210	1721	\$1.50	\$10,200.00	16.54	\$1,687.08
6	6,800	LF	Remove Yellow Painted Traffic Stripe	237310	235210	1721	\$4.00	\$27,200.00	16.54	\$4,498.88
7	1,385	SF	Remove Pavement Markings	237310	235210	1721	\$2.00	\$2,770.00	16.54	\$458.16
8	679	EA	Remove Pavement Marker	237310	235210	1721	\$2.00	\$1,358.00	16.54	\$224.61
9	360	SF	Remove Concrete Median Island	237310	234110	1611	\$4.00	\$1,440.00	16.54	\$238.18
10	917	LF	Remove Concrete Curb and Gutter	237310	234110	1611	\$8.75	\$8,023.75	16.54	\$1,327.13
11	24	EA	Adjust Manhole Frame and Cover	237310	234110	1611	\$500.00	\$12,000.00	16.54	\$1,984.80
12	57	EA	Adjust Valve Box and Cover	237310	234110	1611	\$300.00	\$17,100.00	16.54	\$2,828.34
13	1	EA	Adjust Traffic Signal Pull Box	237310	234110	1611	\$300.00	\$300.00	16.54	\$49.62
14	17	EA	Adjust Monument	237310	234110	1611	\$300.00	\$5,100.00	16.54	\$843.54
15	1,329	TON S	Asphalt Concrete Overlay (.1'-.33')	237310	234110	1611	\$71.50	\$95,023.50	16.54	\$15,716.89
16	6797	TON S	Asphalt Concrete Overlay (.4')	237310	234110	1611	\$71.50	\$485,985.50	16.54	\$80,382.00
17	1813	TON S	Asphalt Concrete Overlay (.4'-.8')	237310	234110	1611	\$71.50	\$129,629.50	16.54	\$21,440.72
18	3962	TON S	Full Depth Asphalt Concrete (.8'-.9')	237310	234110	1611	\$71.50	\$283,283.00	16.54	\$46,855.01
19	1112	TON S	Inlay/Digout	237310	234110	1611	\$71.50	\$79,508.00	16.54	\$13,150.62
20	1	LS	Crack Sealing	237310	234110	1611	\$9,000.00	\$9,000.00	16.54	\$1,488.60

20 Item	Quantity	Unit	Description	2002 NAICS CODE	1997 NAICS CODE	1987 SIC	Unit Price	Extension	DBE Item Goal (%)	DBE Amount
21	1904	CY	Base and Surface Removal	237310	234110	1611	\$28.00	\$53,312.00	16.54	\$8,817.80
22	29,643	SY	Cold Plane Asphalt Concrete Pavement (.5' Max. Depth)	237310	234110	1611	\$5.00	\$148,215.00	16.54	\$24,514.76
23	26,482	SY	Pavement Reinforcing Fabric	237310	234110	1611	\$0.90	\$23,833.80	16.54	\$3,942.11
24	150	LF	Miscellaneous Concrete (Curb and Gutter)	237310	234110	1611	\$16.00	\$2,400.00	16.54	\$396.96
25	700	SF	Miscellaneous Concrete (Sidewalk, Island and Median Pavement, Curb Ramp and Driveway)	237310	234110	1611	\$10.00	\$7,000.00	16.54	\$1,157.80
26	4,186	LF	12" Paint Traffic Stripe (2-Coat)	237310	235210	1721	\$5.00	\$20,930.00	16.54	\$3,461.82
27	1,315	LF	4" Paint Traffic Stripe (2-Coat)	237310	235210	1721	\$0.35	\$460.25	16.54	\$76.13
28	1,423	SF	Paint Traffic Marking (2-Coat)	237310	235210	1721	\$4.00	\$5,692.00	16.54	\$941.46
29	862	EA	Pavement Marker (Retroreflective)	237310	235210	1721	\$5.00	\$4,310.00	16.54	\$712.87
30	4,608	EA	Pavement Marker (Non-Reflective)	237310	235210	1721	\$3.00	\$13,824.00	16.54	\$2,286.49
31	50	EA	Inductive Loop Detectors (6'x6')	238210	235310	1731	\$400.00	\$20,000.00	0.06	\$12.00
32	12	EA	Inductive Loop Detectors (Advanced 6'x6')	238210	235310	1731	\$1,500.00	\$18,000.00	0.06	\$10.80
							<b>Total:</b>	<b>\$1,700,898.30</b>		<b>\$275,066.18</b>
							Contingency 10%:	\$170,089.83		\$28,234.91
							Other Items 5%:	\$85,044.92		\$14,117.46
							<b>Grand Total:</b>	<b>\$1,956,033.05</b>		<b>\$317,418.55</b>

## Attachment A-2

### DBE Contract Goal Amount (\$)

Project Name	Amount of Total Project Funds	Amt. of Fed Funds for this project	DBE Goal Amount For this project	DBE Percentage For this project
South Park Victoria Drive Pavement Rehabilitation, Project No. 4225	\$1,700,898.30	\$704,892	\$282,349.12	16.60
Total of Requests	\$1,700,898.30	\$704,892	\$282,349.12	16.60

### Total DBE Firms Market Area

2002 NAICS (UCP)	Contra Costa	San Benito	Santa Clara	Alameda	San Francisco	San Mateo	Total Firms
237310 Highway & St	4	0	2	8	8	1	23
238210 Electrical	4	0	4	12	9	2	31
							54

### Total Firms Market Area

2002 County Business Patterns (CBP)	Contra Costa	San Benito	Santa Clara	Alameda	San Francisco	San Mateo	Total Firms
237310 Highway & St	28	1	46	35	10	16	136
238210 Electrical	198	12	338	310	159	180	1197
							1333

#### DBE Goal for Fiscal Year 2005/2006

Overall Goal = 16.60%

Project Goal = 16.60%

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING REVISED DISADVANTAGED BUSINESS  
ENTERPRISE (DBE) PROGRAM GOAL FOR FEDERALLY FUNDED CITY  
TRANSPORTATION PROJECTS**

WHEREAS, the City of Milpitas has implemented a Disadvantaged Business Enterprise (DBE) program to comply with California Department of Transportation and United States Department of Transportation (DOT) requirements in order to receive Federal funds for City transportation projects; and

WHEREAS, the DBE rule established a methodology for setting overall goal for DBE participation in the performance of contracts financed in whole or in part with DOT funds and based on this methodology, the revised overall goal for the City shall be 16.60 percent for Fiscal Year 2005-06. The City shall review the overall goal annually and report any updates to the California Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas that the City of Milpitas, a public entity established under the laws of the State of California, hereby adopts the revised DBE program goal and sets the current overall DBE participation goal in the performance of contracts financed in whole or in part with DOT funds at 16.60 percent for Fiscal Year 2005-06 with all terms and provisions of the DBE program set forth in Exhibit A and Exhibit B, attached hereto and made part hereof, for all City projects which receive DOT funds.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven T. Mattas, City Attorney

# MEMORANDUM

Engineering Division



**To:** Honorable Mayor and City Council

**Through:** Charles Lawson, Interim City Manager

**From:** Greg Armendariz, City Engineer

**By:** Joe Ezeokeke, Assistant Civil Engineer **JE**

**Cc:** Mark Rogge

**Subject:** Revised Disadvantaged Business Enterprise (DBE) Program Goal for Federal and State Funded City Projects

**Date:** December 19, 2005

## RECOMMENDATION

Adopt A RESOLUTION APPROVING REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM GOAL FOR FEDERALLY FUNDED CITY TRANSPORTATION PROJECTS and set an annual overall DBE goal of 16.60 percent for the City of Milpitas for U.S. Department of Transportation Federal-aid projects.

## FISCAL IMPACT

Implementing the Revised Disadvantaged Business Enterprise (DBE) Program for U.S. Department of Transportation Federal-aid projects will not significantly impact the City's cost for these projects. The City cannot receive Federal funds for transportation projects if it does not adopt the revised DBE program goal.

## BACKGROUND AND ANALYSIS

Title 49 of the Code of Federal Regulations (CFR) requires a recipient of DOT funds to have a DBE program and to establish an annual overall goal to use disadvantaged businesses. The purpose of the DBE program is to afford DBEs, as



and revised annual goal has been completed for 45 days following the date of notice. To date, no public comments have been received. The adoption of the revised DBE program goal is a prerequisite to advertising Federal-aid projects for bids. The City's South Park Victoria Drive project partially funded by Federal grants is ready for advertising in early spring of 2006.

#### PUBLIC NOTICING

Agenda posting and publishing a notice of the proposed revised overall DBE goal per Federal requirements.

Approved by:

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Greg Armendariz  
City Engineer

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Charles Lawson  
Interim City Manager